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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,582	09/19/2003	Thomas E. Creamer	BOC9-2003-0022 (391)	6447

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EXAMINER	
LANEAU, RONALD	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/665,582	CREAMER ET AL.	
	Examiner	Art Unit	
	Ronald Laneau	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02092004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In this case the contains software (data) structures not claimed as embodied in computer-readable media and therefore are descriptive material *per se* and are not statutory because they are not capable of causing function change in a computer. See *In re Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5, 8-21 and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664).

As per claims 1, 11-17 and 20, Boukobza discloses a method for computing within a grid environment (col. 4, lines 64-67; agents are installed ... in the nodes to be monitored) comprising the steps of: identifying a host software object (col. 2, lines 20-37); associating a

software object with said host software object (col. 2, lines 29-31; each agent comprises a plurality of specific modules specific to the different object type or to a particular domain); within said associated software object, replicating host actions (col. 6, lines 30-34; log files of the actions of each node monitored); recording said replicated actions; moving said host software object from one grid within said grid environment to another grid; and, in response to said moving of said host software object (col. 6, lines 30-34). Boukobza does not explicitly disclose associating software object from one grid to another grid but it would have been obvious to one of ordinary skill in the art to utilize a software program that associates the different grids from one another as claimed because it would provide more accurate information concerning the allocation of the grid resources for individual system accessing the grid.

As per claims 2, 16 and 21, the software system as disclosed by Boukobza comprises a user object as claimed.

As per claim 5, Boukobza discloses the steps of: determining a location for logging data that is external to software object; and, said associated conveying said recorded replicated actions to said determined location (col. 6, lines 30-34; log files of the actions of each node monitored).

As per claims 8-10 and 23-27, the method as taught by Boukobza would provide the steps of: selecting a plurality of host software objects; for each selected host software object, repeating said associating step, said replicating step, and said recording step; and, modeling behavior of at least a pad of said grid environment using data obtained from said recording steps; the steps of: disassociating said associated software object from said host software object; and, associating said previously associated software object with a different host software object; further

comprising the steps of: cloning said associated software object to create a copied object; and, associating said cloned object with a different host software object (col. 4, line 36 to col. 5, line 17).

As per claims 18, 19, 28 and 29, Boukobza discloses a ghost agent that comprises means for linking said ghost agent with said host software object; means for disassociating said ghost agent from said host software object; and, means for linking said disassociated ghost agent to a different host software object (col. 4, line 63 to col. 5, line 6).

4. Claims 3, 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664) in view of Okada (US 6,419,577 B1).

As per claims 3, 4 and 22, Boukobza does not disclose a multi-player gaming system but Okada disclose a computing system wherein said user object represents a player of a distributed multi-player gaming system, said recording step further comprising the step of: recording actions taken by a user represented by said user object within said distributed multi-player gaming system; wherein said replicated actions are passive actions, said method further comprising the step of: preventing said replicated actions from operationally executing in said grid environment (see abstract, fig. 2).

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664) in view of Talwar et al (US 2004/0139202 A1).

As per claims 6 and 7, the same rejection to claim 1 applies. Boukobza does not disclose an authenticating method associated a software object within a grid but Talwar discloses a

method comprising the steps of: authenticating said associated software object within said another grid; and, enabling said associated software object to automatically enter said another grid based upon said authenticating step; further comprising the steps of: generating a new action within said host software object; and, replicating said new action within said associated software object (page 1, [0005].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the authenticating method as taught by Talwar into the method of Boukobza because it would provide a method for grid access control and account management on an interactive control.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Winter et al (US 2006/0195559 A1) disclose services for grid computing.
- Keohane et al (US 2005/0240777 A1) disclose a method, apparatus, and computer instructions for authorizing a user access grid resources.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau

Ronald Laneau
Primary Examiner 10/27/06
Art Unit 3714

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